

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

DEANNA KAY SIMON,

Plaintiff,

vs.

THE STATE OF MONTANA, JOSHUA  
M. SIMON, MATT MCKITTRICK, and  
CASCADE COUNTY JAIL,

Defendants.

CV 14-00237-M-DLC-JCL

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE

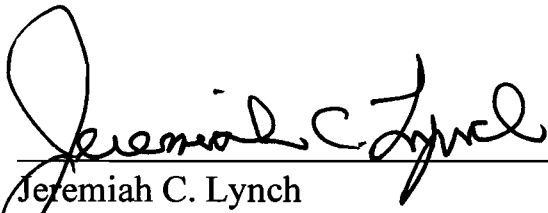
On September 30, 2014, Plaintiff DeAnna Simon filed a Complaint utilizing the Court's complaint form and a Motion to Proceed in Forma Pauperis. (Doc. 1, 2.) Ms. Simon, however, put the civil case number for her pending habeas case (14-CV-67-GF-BMM) on both filings. It being unclear whether Ms. Simon wanted to file a new civil Complaint, the Court required her to indicate, on or before October 17, 2014, whether she wanted to proceed with a new civil case or if she wanted the documents submitted on September 30, 2014 to be filed in her habeas case, Civil Action No. 14-CV-67-GF-BMM. If Ms. Simon wanted to proceed with a new civil action she was required submit a copy of her prison account statement for the six months immediately preceding the filing of her Complaint.

Ms. Simon did not respond to the Court's Order.

Accordingly, IT IS HEREBY RECOMMENDED that Ms. Simon's Motion to Proceed in Forma Pauperis be denied for failure to provide a copy of her prison account statement as required by 28 U.S.C. § 1915(a)(2).

Should the Court adopt this recommendation, the Clerk of Court should be directed to close this matter within 14 days if Ms. Simon fails to pay the full filing fee.

DATED this 21st day of October, 2014.



Jeremiah C. Lynch  
United States Magistrate Judge